
North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Brian Fuller

DATE: June 19, 2020

**September 26, 2018 Warrant Inspection
Trinity County Assessor's Parcel Number (APN) 020-520-18-00**

File: Cannabis Inspections, Trinity County, 2018, 180926 Eng Lia Her,
APN 020-520-18-00, CIWQS Place ID No. 856706.

Property Information

County: Trinity

Physical address: No physical address

APN: 020-520-18-00 (the Property)

Owner: Chang Xiong
1646 California Street
Eureka, CA, 95501

Transaction History (per LandVision):

- On May 13, 2013, Kao Vang purchased the property from Peggy Talbot Lloyd and Nancy Lloyd.
- On July 20, 2018, Kao Vang transferred the property to Eng Lia Her.
- On June 10, 2019, Chang Xiong purchased the property from Cho Lee.

Size: 75 acres

Watershed: The Property occupies two watersheds:

- To the south: Eel River Hydrologic Unit; Van Duzen River Hydrologic Area Bridgeville Hydrologic Subarea (HU/HA/HSA 111.22; Table 2-1, Water Quality Control Plan for the North Coast Region).
- To the north: Mad River Hydrologic Unit; Ruth Hydrologic Area (HU/HA 109.40; Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial imagery (Aerial Image 1 through Aerial Image 10):

Patterns consistent with cannabis cultivation (cultivation) can be seen in two areas, (see WQ 1 and WQ 2 in Figure 1) beginning between June 16, 2010 and June 24, 2015. cultivation in both areas was cleared following the September 26, 2018 inspection. Cultivation is apparent in the northern area on October 26, 2019.

Regulatory status with the North Coast Regional Water Quality Control Board (Regional Water Board)

Site Development: N/A

- No record of permitting for site development

Applicable programs:

- Regional Water Board's waste discharge regulatory program for timber harvesting on private forest land

Onsite activities/operations: N/A.

- No record of enrollment in any State or Regional Water Board regulatory program.

Applicable programs:

- Regional or statewide cannabis order
- Waste discharge requirements for discharge of waste to waters of the state.

[Note: This Property did not have a County permit for cannabis cultivation at the time of the inspection.]

Inspection information:

Date/time: September 26, 2018/ afternoon

Type: California Department of Fish and Wildlife (CDFW) Warrant Inspection

Attendance:

Scott Bauer, Senior Environmental Scientist (ES) Supervisor, CDFW
David Rosas, ES, State Water Board's Division of Water Rights (DIV)
Steven Hall, ES, DIV
Brian Fuller, Engineering Geologist (EG), Regional Water Board

Background/Objective:

Objectives for Regional Water Board staff (Staff) included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map

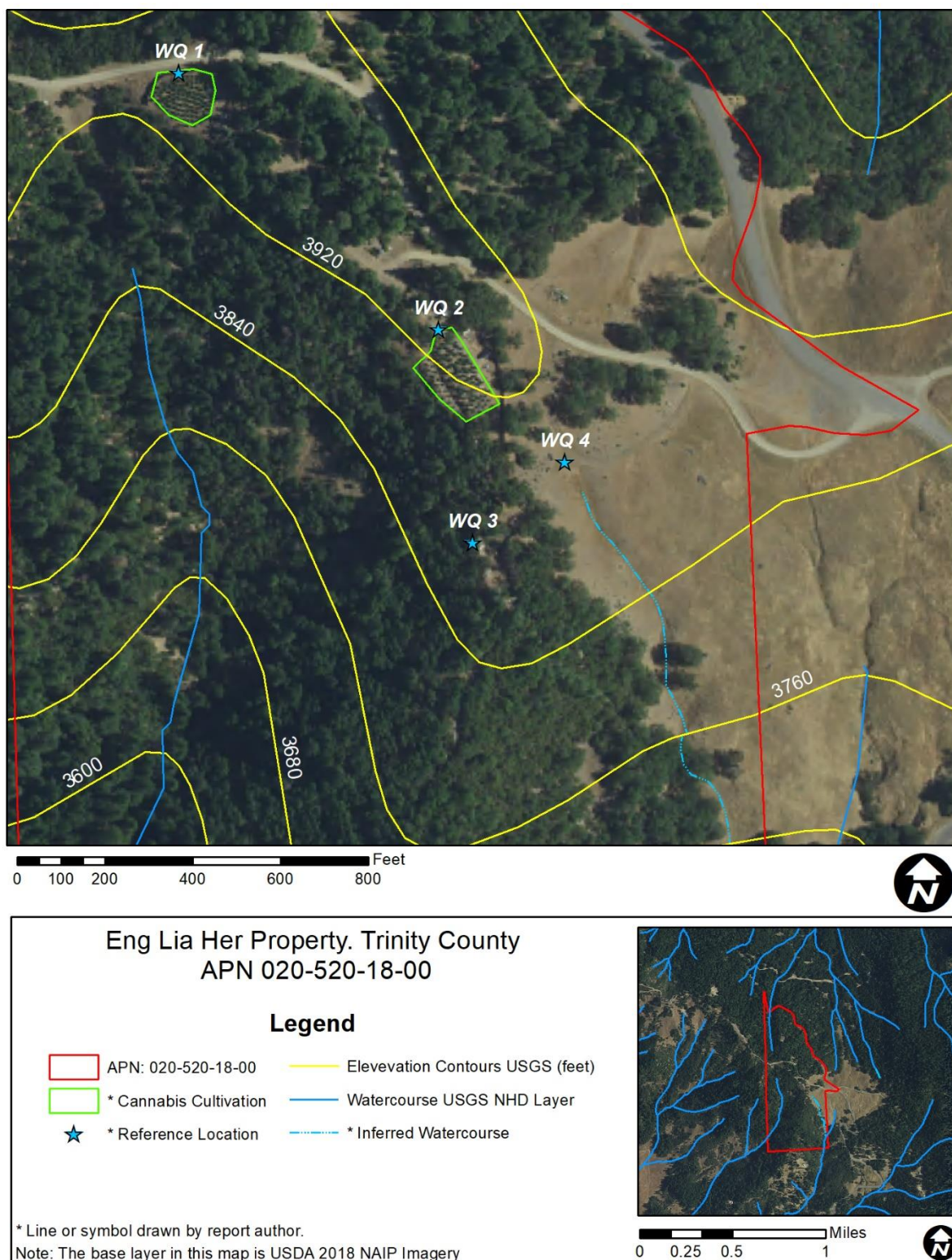


Figure 1: Map of Property, including inspection points of interest

Inspection Observations

The above site map shows inspection points identified and discussed in this report. Patterns consistent with cannabis cultivation are visible at WQ 1, however I did not go to this location during the inspection. I accessed the property from Ruth Zenia Road to the east and headed west along a dirt access road to WQ 2. Here I observed a clearing at the top of a ridge. The clearing contained rows of cannabis plants growing in blue plastic tubs on terraced ground (Photo 1). In the northeastern corner of the clearing was a chemical toilet surrounded by waste fertilizer containers (Photo 2). I observed piles of waste chemical and fertilizer containers uncontained on bare ground (Photo 3), piles of plastic waste at the edges of the clearing (Photo 4), and other waste materials in a depression on the east side of the cultivation area (Photo 5)

I walked south to a smaller clearing at the top of a ridge (WQ 3), which appeared to have been used for drying cannabis plants. I observed two sheds, one containing a shower and the other containing a flush toilet that discharged to the hillslope to the west (Photo 6). I observed that there was plastic and paper refuse scattered in the vicinity of where the pipe discharged. I walked northeast to WQ 4. Here I observed a single lane dirt road that was overgrown with grasses (Photo 7). Downslope from the road, I observed the form of a watercourse (Photo 8). I noted that if the road were used by vehicles, the protective layer of vegetation would be compromised and added mechanical abrasion would threaten to discharge fine sediment to receiving waters. However, I did not observe any evidence of recent vehicle use or rills or scour marks from stormwater erosion.

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
WQ 1	outdoor cannabis cultivation area.	9,000 square feet of outdoor cannabis cultivation	cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	Aerial Image 1 through Aerial Image 5
WQ 2	outdoor cannabis cultivation area.	12,000 square feet of outdoor cannabis cultivation	cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	Photo 1

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
WQ 2	refuse	refuse, fertilizer and chemical materials and cultivation waste uncontained on bare ground	threatened discharge of waste to water of the state	Photo 2 through Photo 5
WQ 3	toilet shed	pipe from toilet shed discharges to hillside	threatened discharge of waste to water of the state	Photo 6

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features:

I noted a historical road at WQ 4 that may threaten water quality if used by vehicles. Other than this, I did not observe any water quality concerns associated with site maintenance, erosion control and drainage features.

2. Stream crossing maintenance and improvement:

I did not observe areas where the roads crossed watercourses on the property.

3. Riparian and wetland protection and management:

I did not observe any wetlands or riparian areas in the vicinity of the cultivation area at WQ 2 or the processing area at WQ 3.

4. Spoils management:

I did not observe water quality issues associated with spoils management.

5. Water storage and use:

I did not review water storage or use on the property.

6. Irrigation runoff:

I did not observe water quality issues associated with irrigation runoff.

7. Fertilizers and soil amendments:

I observed waste fertilizer containers uncontained on bare ground at WQ 2.

8. Pesticides:

I did not observe pesticides on the property.

9. Petroleum products and other chemicals:

I observed unknown chemical containers uncontained on bare ground at WQ 2.

10. Cultivation-related wastes:

I observed cultivation waste uncontained on bare ground at WQ 2.

11. Refuse and human waste:

I observed a chemical toilet, which is an appropriate method of collecting human waste at WQ 2. I observed a flush toilet with pipe discharging to the ground surface at WQ 3, this is not an appropriate method for disposing human waste. I observed refuse uncontained at WQ 2 and WQ 3.

Recommendations

1. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner so as to minimize potential for these wastes to enter or be transported into receiving waters.
2. Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products.
3. Discontinue use of and dismantle any outhouse/pit toilet/cesspool features and work with Trinity County to ensure that all domestic and human wastes are collected and disposed of consistent with applicable County requirements.
4. Monitor the road at WQ 4 for signs of increased erosion. Do not put this road back into service; promote regrowth of native vegetation in the area.
5. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean

Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

The statewide cannabis order (Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities) can be found at this link:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

Aerial Imagery



Aerial Image 1—Northern cultivation areas dated June 16, 2010, accessed with Digital Map Products' Land Vision service.



Aerial Image 2—Northern cultivation areas dated June 24, 2015, accessed with Digital Map Products' Land Vision service.



Aerial Image 3—Northern cultivation areas dated August 26, 2018, accessed with Digital Map Products' Land Vision service.



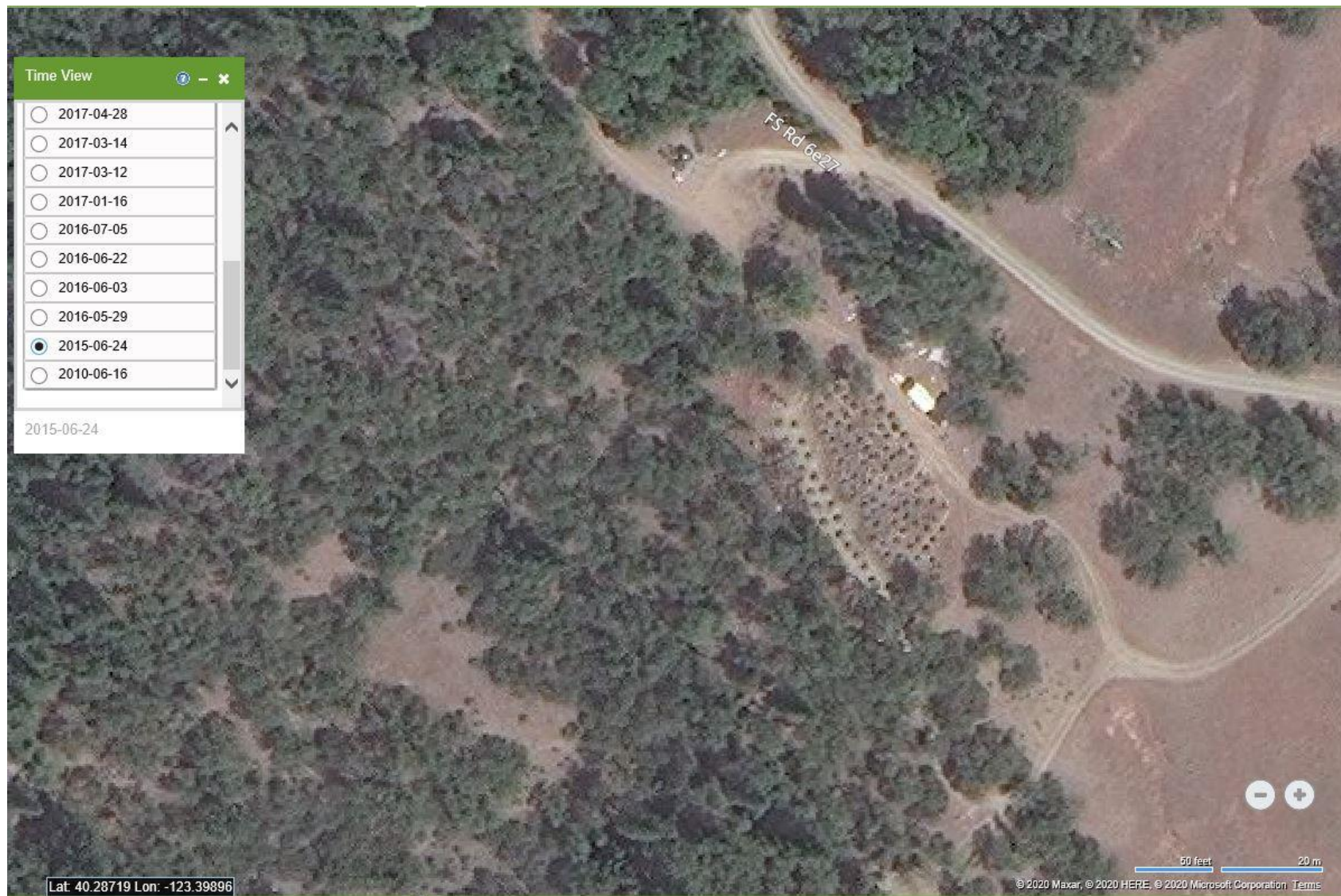
Aerial Image 4—Northern cultivation areas dated November 12, 2018, accessed with Digital Map Products' Land Vision service.



Aerial Image 5—Northern cultivation areas dated October 26, 2019, accessed with Digital Map Products' Land Vision service.



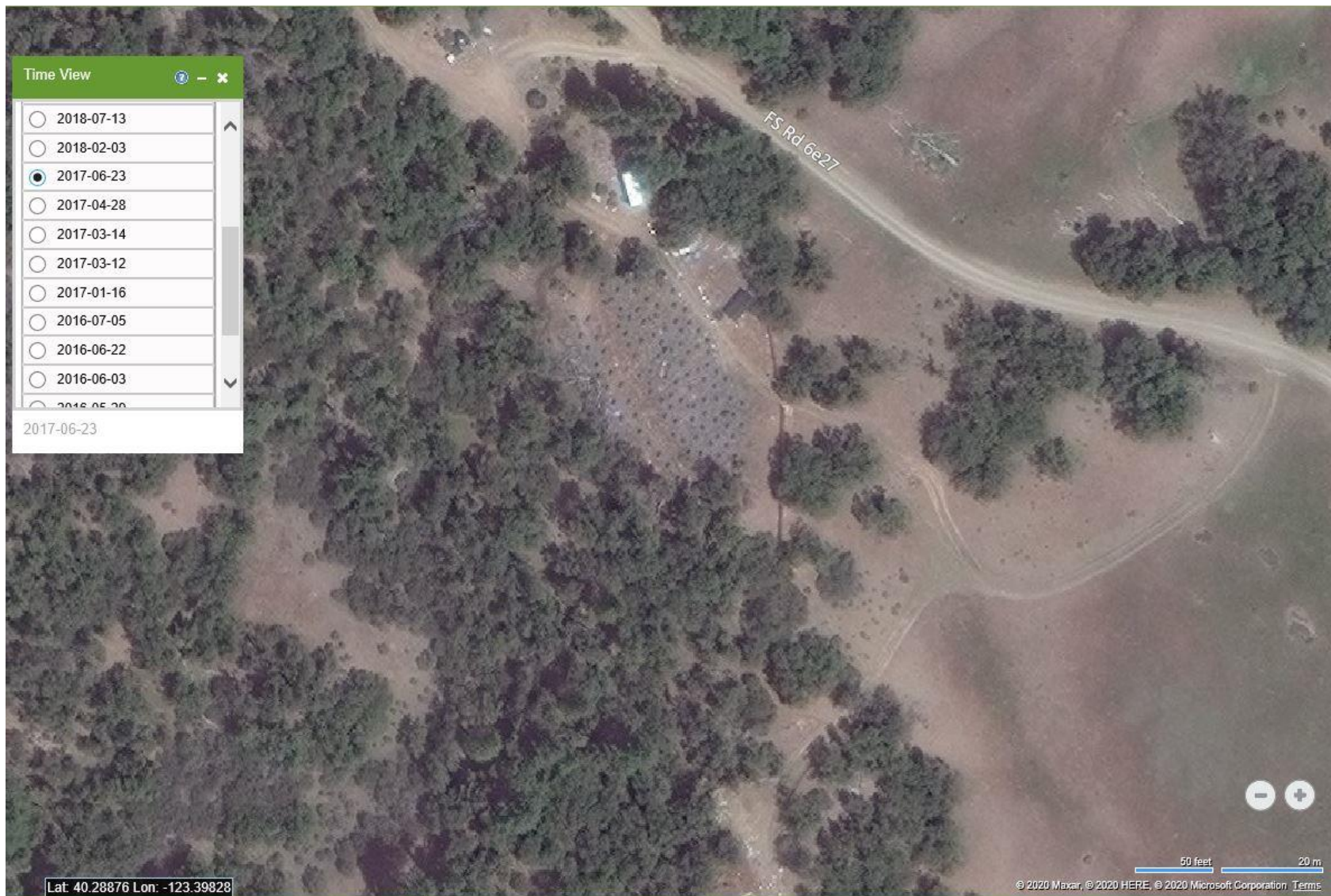
Aerial Image 6—Southern cultivation areas dated June 16, 2010, accessed with Digital Map Products' Land Vision service.



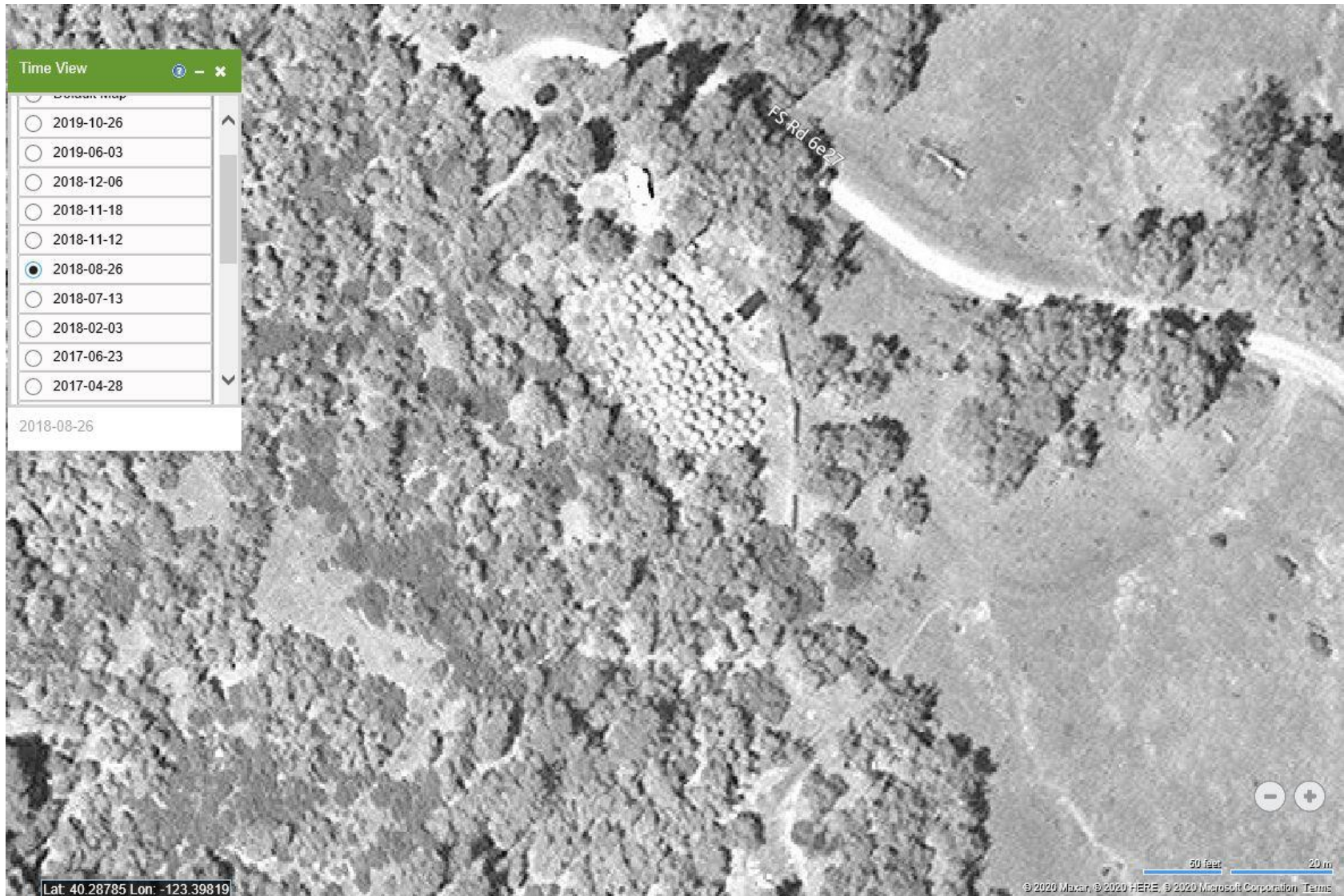
Aerial Image 7—Southern cultivation areas dated June 24, 2015, accessed with Digital Map Products' Land Vision service.



Aerial Image 8—Southern cultivation areas dated June 22, 2016, accessed with Digital Map Products' Land Vision service.



Aerial Image 9—Southern cultivation areas dated June 23, 2017, accessed with Digital Map Products' Land Vision service.



Aerial Image 10—Southern cultivation areas dated August 26, 2018, accessed with Digital Map Products' Land Vision service.

Selected Photos



Photo 1—Rows of cannabis plants located at WQ 2.



Photo 2—Chemical toilet and fertilizer containers at the north east edge of the cultivation area located at WQ 2.



Photo 3—Waste fertilizer materials in the vicinity of WQ 2.



Photo 4—Pile of waste plastic in the vicinity of WQ 2.



Photo 5—Waste materials in a depression east of WQ 2



Photo 6—Looking west at where pipe connected to a shed with a flush toilet discharges to the hillslope among scattered refuse.



Photo 7—Looking north from WQ 4 at the impression of a former road.

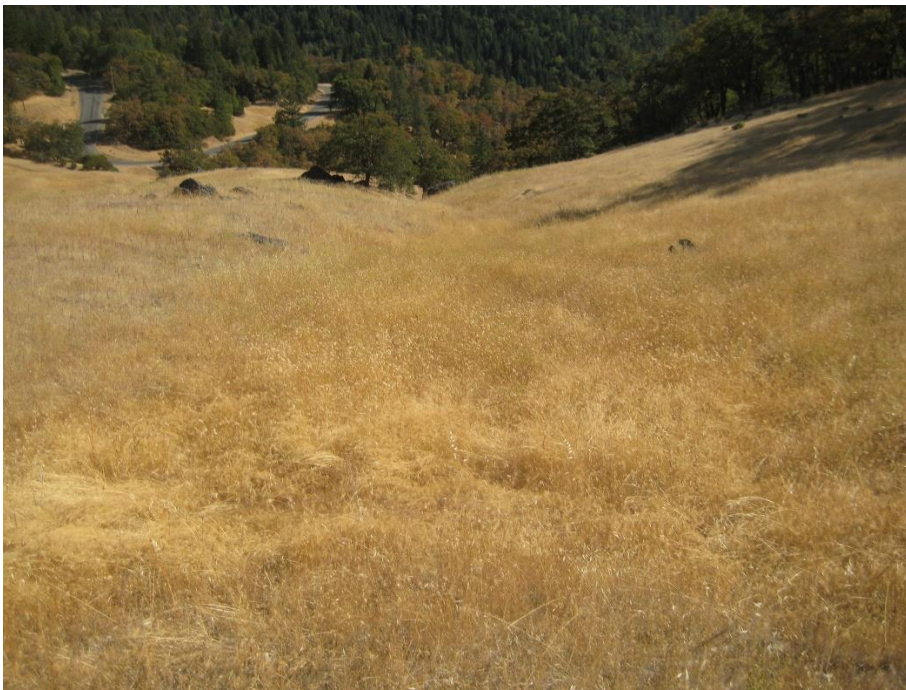


Photo 8—Looking south from WQ 4 towards a headwater stream.